

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Nuell on Jan 12 and Jan 19, 2009.

The application has been amended as follows:

**In claim 2, Line 1,**

"a partial peptide of a protein" is changed to ---a fragment of a protein ---

**In claim 2, Line 2,**

"wherein the peptide comprises" is changed to ---where the fragment comprises ---.

**In claim 11, Line 2,**

"as an active ingredient at least one of substance selected from the tumor antigen peptides" is changed to ---as an active ingredient the tumor antigen peptide ---.

**In claim 12, Line 2,**

"DNA comprising at least one polynucleotide" is changed to --- DNA comprising a polynucleotide ---.

Art Unit: 1642

The following is an examiner's statement of reasons for allowance:

Applicants amended or cancelled rejected claims. The rejections are withdrawn due to the applicants' amendment and cancellation. The prior arts do not anticipate or suggest the novel peptide that comprising a fragment of SEQ ID NO: 2 or consisting of SEQ ID NO: 3 that binds to the HLA-A24 antigen.

The obviousness-type double patenting rejection of claims 2-3 and 11-18 as being unpatentable over claims 47-51, 53 and 56 of copending Application No. 10505955 (filed on 8/27/2004, priority to 6/24/2002) is currently withdrawn in view of early filing of the instant application (filed on 2/20/2004, priority to 2/28/2001). Applicant is reminded that a terminal disclaimer is required if the same subject matter is claimed in the application 10505955.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lei Yao, Ph.D. whose telephone number is 571-272-3112. The examiner can normally be reached on 8am-6.00pm Monday-Thursday.

Any inquiry of a general nature, matching or file papers or relating to the status of this application or proceeding should be directed to Kim Downing for Art Unit 1642 whose telephone number is 571-272-0521

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lei Yao, Ph.D./  
Examiner, Art Unit 1642

/Larry R. Helms/  
Supervisory Patent Examiner, Art Unit 1643